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QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Written statement submitted by the Arab Lawyers Union, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[25 March 1996]

1. The report by Mr. Halinen, the Special Rapporteur who investigated Israeli violations of the principles of international law and violations of human rights in the Palestinian territories (E/CN.4/1996/18), as well as the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/50/463) which was submitted to the General Assembly of the United Nations, clearly confirm the following:

(a) Israel has refused to cooperate in any way and has prevented the officials delegated by the Commission on Human Rights and the General Assembly from carrying out the tasks assigned to them;

(b) Israel has refused to apply the Fourth Geneva Convention in the occupied territories;

(c) The Israeli authorities are still refusing to comply with the resolutions of the Commission on Human Rights, the General Assembly and the Security Council of the United Nations.

2. The two reports clearly show that the human rights situation in the Palestinian and Arab territories that Israel has been occupying by force since 1967 is constantly deteriorating as a result of the human rights violations that the occupation authorities are committing in all fields, exactly as they were doing before the Declaration of Principles and the other agreements were signed by the Palestine Liberation Organization and the Government of Israel.

3. Those who argue that negotiations are currently taking place between the two parties should realize that a distinction must be drawn between negotiations and the peace process, the outcome of which has not yet been decided, and the human rights situation which is a matter of ongoing concern due to the manner in which the occupation authorities are using the "peace process" as a screen to conceal their practices so that they can engage in further acts of repression.

4. In actual fact, what is really happening is the opposite of what the international community was expecting, namely that the peace process would lead to the cessation of the practices of the Israeli authorities, who are exploiting the sincere desire of some to ensure the success of the negotiations in order to continue their violations of the most fundamental rights in the occupied territories.

5. The violations that the occupation authorities are committing against the Palestinian people are well known and include random arrests and detentions, deliberate acts of murder, the demolition of houses in the wake of the military operations that some Palestinian groups are undertaking, the ban on travel between Palestinian towns and villages, and the refusal to allow Palestinian workers to travel to their places of work in Israel, which is having disastrous effects on their living conditions.

6. At the same time, the world is witnessing the imposition of collective punishments exemplified by the blockade and closure of the Palestinian territories with a view to their economic strangulation. This behaviour has led to the deaths of a number of Palestinian citizens and the starvation of an entire people due to, inter alia, the shortage of medicines and the non-availability of the necessary health services while, at the same time, thousands of detainees are still being held in custody.

7. In this connection, it is sufficient to refer to the content of the report by "Betzelem", the Israeli Information Centre on Human Rights in the Occupied Territories, which stated that "the violations include the arbitrary detention, by a simple administrative order, of Palestinian opponents of the Oslo Agreements, the confiscation of land for the purpose of establishing special corridors for Israeli settlers, and a series of punishments, including collective punishments, exemplified by the closure of the territories in the West Bank, the imposition of a curfew and the demolition of houses".

8. The policy of closing the territories, which has grave consequences in view of the threat of death and starvation that it poses to their population, is tantamount to an act of genocide to which the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide apply. The policy of confiscating Palestinian-owned land in order to expand Israeli settlements

in the occupied territories also constitutes a further violation of the principles of international law and the provisions of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, since the establishment of Israeli settlements in the occupied territories is illegal under international law.

9. In this connection, reference must be made to the numerous resolutions adopted by the United Nations Security Council, the General Assembly and the Commission on Human Rights, which have rejected any transformation of the geographic or demographic features of the City of Jerusalem and regard any such transformation as null and void. However, Israel is continuing to pursue its policy of increasing the number of Israeli settlers and reducing the number of Palestinians with a view to changing the city's demographic composition.

10. With regard to southern Lebanon, Israel is committing crimes every day by carrying out air and artillery bombardments of civilian agglomerations and peaceful villages in which it is killing women, elderly persons and children, thereby violating not only their right to life but also Lebanon's territorial sovereignty. The southern Lebanese coast is still being blockaded and Lebanese fishermen are being prevented from engaging in their profession and earning a living. Moreover, Lebanese, Palestinian and other Arab prisoners are still being held in Israeli prisons where many of them are facing chronic diseases and even death.

11. With regard to the Golan, we will confine ourselves to drawing attention to the Israeli practices in this occupied part of the Arab territories, as exemplified by the detention of its inhabitants, who are being prevented from contacting their relatives outside the Golan. We also wish to draw attention to the depletion of its natural resources, especially water, by Israel.

12. In conclusion, the Arab Lawyers Union commends the content of the report of the Special Rapporteur on the occupied territories, as well as the content of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, and calls for the application of the provisions of the Fourth Geneva Convention, particularly in Jerusalem, the Golan and southern Lebanon.